

ESTTA Tracking number: **ESTTA293523**Filing date: **07/06/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
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| Name | Bironco, Inc. | | |
| Entity | Corporation | Citizenship | Virginia |
| Address | 1719 Rupert Street McLean, VA 22101 UNITED STATES | | |

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| Attorney information | M. Keith Blankenship General Counsel, P.C. 6862 Elm Street Suite 800 McLean, VA 22101 UNITED STATES kblankenship@generalcounselaw.com Phone:703-556-0411 |
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Registration Subject to Cancellation

| | | | |
|-----------------|--|-------------------|------------|
| Registration No | 2657238 | Registration date | 12/03/2002 |
| Registrants | Sokolski, Kurt 329 Cedarcroft Drive Mooresville, NC 28115 UNITED STATES Harshman, Rick 329 Cedarcroft Drive Mooresville, NC 28115 UNITED STATES | | |

Goods/Services Subject to Cancellation

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| Class 037. First Use: 2000/10/14 First Use In Commerce: 2002/04/12 All goods and services in the class are cancelled, namely: Residential Building construction |
| Class 042. First Use: 2000/10/14 First Use In Commerce: 2002/04/12 All goods and services in the class are cancelled, namely: Design for others in the field of residential building construction |

Grounds for Cancellation

| | |
|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
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| Attachments | KBWDB-0003_FILED.pdf (4 pages)(292186 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|------------------------|
| Signature | /M. Keith Blankenship/ |
| Name | M. Keith Blankenship |
| Date | 07/06/2009 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,657,238
Registered on December 3, 2002

BIRONCO, INC.,

Petitioner

v.

HARSHMAN, RICK &
SOKOLSKI, KURT,

Registrants

Serve:
Kurt Sokolski
329 Cedarcroft Drive
Mooresville, NC 28115

Rick Harshman
329 Cedarcroft Drive
Mooresville, NC 28115

Proceeding No. _____

PETITION FOR CANCELLATION

Bironco, Inc. (the "Petitioner"), by its attorneys General Counsel, P.C., believes that it will be damaged by continued registration of the THE MAXIMUS GROUP, INC. RESIDENTIAL DESIGN & CONSTRUCTION "FROM CONCEPT TO CONSTRUCTION" ("Registrant's Mark") designation in International Classes 037 and 042 for its stated goods and services, and alleges on knowledge as to its own acts, and otherwise on information and belief, as grounds for cancellation as follows:

1. The Petitioner is a Virginia Corporation doing business at 1719 Rupert Street McLean, VA 22101 with the service marks CONCEPT TO CONSTRUCTION and FROM

CONCEPT TO CONSTRUCTION (“Petitioner’s Marks”).

2. Rick Harshman and Kurt Sokolski (collectively “Registrants”) were formerly individuals doing business as a partnership under the laws of North Carolina, and then incorporated as a single entity under the laws of North Carolina as The Maximus Group, Inc. The Maximus Group, Inc. was dissolved April 4, 2005. The address of record for Registrants is as follows: Kurt Sokolski and Rick Harshman; 329 Cedarcroft Drive; Mooresville, NC 28115.

3. On October 14, 2000 (“Filing Date”) Registrants filed an “intent-to-use” application, Serial No. 78/030,651, in Classes 037 and 042 for THE MAXIMUS GROUP, INC. RESIDENTIAL DESIGN & CONSTRUCTION "FROM CONCEPT TO CONSTRUCTION" (“Registrant’s Mark”) as a trademark presently claiming use for the following services (“Registrant’s Services”): in Class 037 “Residential Building construction[, and in Class 042] Design for others in the field of residential building construction.”

4. On December 3, 2002, Registrant’s Mark was registered on the principal register, and is presently registered, under Registration No. 2,657,238.

5. Petitioner is the applicant for, and owner of, United States Trademark Application Serial No. 77/764,163 for the trademark CONCEPT TO CONSTRUCTION, an “in-use” trademark application filed June 19, 2009, for use in International Classes 037 and 042 in connection with the following services (“Petitioner’s Services”): in Class 037 “Residential and commercial building construction, remodeling and repair; Construction services, namely, planning, laying out, and custom construction of residential and commercial buildings; Residential and building construction consulting[, and in Class 042] : Interior design services; Architectural consultation; Architectural design.”

6. Petitioner is the applicant for, and owner of, United States Trademark Application

Serial No. 77/770,497 for the trademark FROM CONCEPT TO CONSTRUCTION (“Petitioner’s Mark”), an “in-use” trademark application filed June 29, 2009, for use in International Classes 037 and 042 in connection with Petitioner’s Services.

7. Petitioner’s Marks are substantially identical to prominent portions of Registrant’s Mark.

8. Registrant’s Services include services that are the same or substantially similar to Petitioner’s Services and/or are within Petitioner’s ever-expanding natural progression of services and channels of trade.

9. Registrant has abandoned Registrant’s Mark.

10. The continued registration of Registrant’s Mark for Registrant’s Services would be in derogation of Petitioner’s right to enjoyment and use of Petitioner’s Marks.

11. Petitioner believes that it is and will be damaged by the continued registration of Registrant’s Mark by Registrant.

WHEREFORE, Petitioner prays that the registration of THE MAXIMUS GROUP, INC. RESIDENTIAL DESIGN & CONSTRUCTION "FROM CONCEPT TO CONSTRUCTION", Registration No. 2,657,238, of registration date December 3, 2002 be cancelled and that this cancellation be sustained.

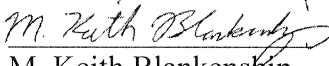
DATED: July 6, 2009

By M. Keith Blankenship
Attorney for Petitioner
M. Keith Blankenship, Esq.
GENERAL COUNSEL, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on the Registrants at their address of record on July 6, 2009 by mailing said copy via First Class Mail, postage prepaid to:

Messrs. Sokolski and Harshman
329 Cedarcroft Drive
Mooreville, NC 28115


M. Keith Blankenship